

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Claims 13 and 25 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

More specifically, the Examiner states that the claims were amended to recite that the lift truck includes “undrivable” rear ground engaging wheels—it is the Examiner’s position that this feature is not fully supported by the specification. In response, the Applicant respectfully submits that the pending specification does, in fact, provide disclosure indicating that, according to a first embodiment, only the front wheel 40 is driven while, in an alternative embodiment, all three wheels 16,40 may be driven independently by individual electric motors (see the first sentence of paragraph [033]). In view of such disclosure, claims 15 and 25 are suitably amended to recite the subject matter which is disclosed within the specification (namely, that the rear wheels are nondriven as recited in non-objected to claim 26) thereby overcoming the raised 35 U.S.C. § 112, first paragraph, rejection.

Next, claims 13-16, 20 and 22-27 are rejected, under 35 U.S.C. § 103(e), as being unpatentable over Callan et al. `038 (U.S. Publication No. 2003/0132038) or in the alternative, as being obvious under 35 U.S.C. § 103(a) in view of Callan et al. `038. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Before discussing the applied prior art, the Applicant respectfully points out that the presently claimed invention relates to a fork lift truck which is designed for use in narrow aisles (typically found in warehouses and the like) where the truck is able to either deposit or remove a load from the face of a stack, in a direction transverse to the length of the aisle. In order to maximize the available storage area of the warehouse, the aisles generally have the narrowest width possible but such width must still be wide enough to permit adequate maneuvering of lift truck in order to deposit or remove a load from a stack. To facilitate maneuvering of lift truck,

the lift truck body has a *pair of rear (non driven) ground engaging wheels* mounted on transverse axes while the lifting mechanism *only has a single ground engaging front wheel* mounted centrally on a transverse axis. In addition, only the front wheel is connected with and driven by the drive means.

Due to such arrangement, the presently claimed single front wheel drive fork lift truck overcomes the steering problems associated with rear wheel drive trucks of this type. Moreover, the single front wheel is always in driving engagement with the floor, irrespective of any irregularities in the surface of the floor, so that there is no need for articulation of the front axle or the problems associated therewith.

As set forth within the first sentence of paragraph [033] of the specification, the presently claimed invention is directed at the first embodiment of the invention in which *only the single front wheel 40 is driven*. That is, each one of the independent claims is limited to the embodiment in which only the front wheel 40 is driven while both of the rear wheels 16 are not driven—each of the rear wheels in non driven and freely rotatable.

Turning now to the applied art, Callan et al. '038 specifically relates to an arrangement in which the *drive means supplies drive to each front wheel and one or both of the rear wheels and not solely to a single front wheel*, as presently claimed. According to Callan et al. '038, each of the front and rear sections 11, 12 of the lift truck has either one or a pair of wheels. It should be appreciated that, according to this invention, that “the lift truck has all wheel drive. In other words, it is possible to operate the lift truck with all wheels being driven” (paragraph [0022], lines 1-4). Consequently, even though, as noted by the Examiner, one or more of the wheels may be undriven, all of the wheels are drivable. That is, each of the wheels can be driven by the drive means. Since each of the wheels is drivable, the Callan et al. '038 lift truck is necessarily equipped with at least one of “a differential unit or... a declutching mechanism” (see paragraph [0022], lines 21-22).

Upon considering the Callan et al. '038 in detail, it appears that the most relevant teaching of this citation relates to Fig. 4 which discloses an arrangement having a single front wheel and a pair of rear wheels. However, according to the disclosure relating to Fig. 4 (see paragraph [0028], lines 1-5 in particular), the lift truck has “means allowing the single rear wheel

of the embodiment of **FIG. 5** or at least one of the rear wheels of the other two embodiments to be undriven, in use." [i.e., the rear wheels of Figs. 1 or 4 (Emphasis added).] And, as noted above, the lift truck generally has all wheel drive (see paragraph [0022], lines 1-4).

As clearly and specifically disclosed within Callan et al. '038, each one of the front wheels, i.e., either the single front wheel or the pair of front wheels are always driven. In addition, with respect to Fig. 4, it is respectfully submitted that the single front wheel and at least one of the pair of rear wheels are driven to provide such "all wheel drive." That is, according to each embodiment of Callan et al. '038, either both front wheels are driven or at least one front and at least one rear wheel is driven! As such, Callan et al. '038 fails to in any way teach, suggest, disclose or remotely hint at a lift truck having a single front wheel in which only the single front wheel is driven by the drive, as presently claimed, without driving any rear wheel(s). In view of this claimed distinction, it is respectfully submitted that Callan et al. '038 teaches away from the presently claimed invention and thus fails to either anticipate or render obvious the presently claimed invention.

In summation, Callan et al. '038 discloses a lift truck (see Fig. 4, for example) having a single front wheel and a pair of rear wheel in which *the single front wheel and at least one or both of the rear wheels are driven* by the drive and the lift truck includes a differential drive for the rear wheels when cornering. Callan et al. '038 is more specifically directed at solving a problem which is peculiar to fork lift trucks in which all of the wheels are driven. It is respectfully submitted that this is clearly quite different and distinct from the presently claimed invention in which only the single front wheel is driven while the rear wheels are arranged to "freewheel"—e.g., turn freely without any drive being supplied thereto--so that there is no problem with differential control of the rear wheels.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claim 13 of this application now recites the features of "without any drive means being provided for driving the rear wheels (16), and the lifting mechanism (14) only having a single ground engaging front wheel (40) mounted centrally on a transverse axis, wherein a sole drive means (40, 46) is drivingly connected to the front wheel (40) only for driving the lift truck (10)". Independent claims 25 and 26 both recite

somewhat similar limitations. It is respectfully submitted that such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

Lastly, claim 21 is rejected, under 35 U.S.C. § 103, as being unpatentable over Callan et al. '038 in view of Hagin et al. '020 (U.S. Patent No. 4,778,020). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional reference of Hagin et al. '020 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Callan et al. '038 with this additional art of Hagin et al. '020 still fails to in any way teach, suggest, disclose or remotely hint at the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Callan et al. '038 and/or Hagin et al. '020 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be

10/555,921

withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com